

## **Anaheim Municipal Code**

### **Chapter 1.09 Campaign Reform**

#### **1.09.010 NAME.**

This chapter shall be known and may be cited as the "City of Anaheim Campaign Reform Law." (Ord. 5704 § 2 (part); October 19, 1999; Ord. 5858 § 1 (part); May 20, 2003.)

#### **1.09.020 PURPOSE.**

The purpose of this chapter is to ensure that the financial strength of certain individuals or organizations does not permit them to exercise a disproportionate or controlling influence on the election of city candidates. To achieve such purpose, this chapter is designed to reduce the influence of large contributions; to ensure that individuals and interest groups continue to have a fair and equal opportunity to participate in electing city candidates; to minimize the opportunity for, and the appearance or perception of, corruption; to prevent contributors from circumventing the contribution limits; and to maintain public trust in governmental institutions and the electoral process. (Ord. 5704 § 2 (part); October 19, 1999; Ord. 5858 § 1 (part); May 20, 2003.)

#### **1.09.030 RELATION TO POLITICAL REFORM ACT OF 1974.**

This chapter is intended to supplement the Political Reform Act of 1974. Unless a word or term is specifically defined in this chapter, or the contrary is stated or clearly appears from the context, words and terms used herein shall have the same meaning as defined or used in Title 9 of the California Government Code, in which the Political Reform Act of 1974 is codified, and as supplemented by the Regulations of the Fair Political Practices Commission as set forth in Title 2, Division 6 of the California Code of Regulation, as the same may be, from time to time, amended. (Ord. 5704 § 2 (part); October 19, 1999; Ord. 5858 § 1 (part); May 20, 2003.)

#### **1.09.040 DEFINITIONS.**

.010 Business Entity. "Business Entity" means proprietorship, firm, partnership, joint venture, syndicate, business trust, company, corporation, and limited liability company.

.020 City Candidate. "City candidate" means any person who is a candidate for member of the City Council or Mayor of the City of Anaheim or any elective city officer whether or not such officer is a candidate for reelection.

.030 City Election. "City election" means any general election, special election or recall election.

.040 City Office. "City office" shall mean either the office of Mayor or the office of City Council. The City Council seats which have terms which expire at the same general municipal election shall be deemed the same city office for purposes of this chapter.

.050 Election Cycle. "Election cycle" shall mean the applicable period as set forth in Section 1.09.060 of this chapter.

.060 Elective City Officer. "Elective city officer" means any person who is a member of the City Council, including the Mayor of the City of Anaheim, whether appointed or elected.

.070 Indebted Former Candidate. "Indebted former candidate" means a person, including an elective city officer, who was a candidate for a city office at any city election and who has campaign debt

remaining from such election after expiration of the election cycle for the city office for which he or she was a candidate.

.080 Person. "Person" means an individual, proprietorship, firm, partnership, joint venture, syndicate, business trust, company, corporation, limited liability company, association, labor union, committee, and any other organization or group of persons acting in concert. (Ord. 5704 § 2 (part); October 19, 1999; Ord. 5858 § 1 (part); May 20, 2003: Ord. 6197 § 1; November 16, 2010.)

#### **1.09.050 CONTRIBUTION LIMITATIONS.**

.010 City Candidates. Except as provided in subsection .020 of this section, no person shall make, and no city candidate or treasurer of any controlled committee of any city candidate shall solicit or accept, any contributions which would cause the total amount contributed by such person to such candidate or his or her controlled committee to exceed the contribution limit set forth in subsection .050 of this section during any election cycle for any city office.

.020 Candidates with Outstanding Debt From Prior Election. No person shall make, and no indebted former candidate, or treasurer of any controlled committee of any indebted former candidate shall solicit or accept, any contributions for the purpose of retiring outstanding debt from a prior city election, which would cause the total amount contributed by such person to such indebted former candidate, or to his or her controlled committee, to exceed the contribution limit set forth in subsection .050 of this section for the election in which the outstanding debt was incurred, regardless of when the contribution(s) is made or received.

.030 Recall Elections. The contribution limit set forth in subsection.050 of this section shall not apply to any committee which collects contributions for the purpose of making expenditures in support of or opposition to the recall of an elective city officer, but shall apply to contributions received by such elective city officer and to candidates running to replace the elective city officer, during a recall election cycle as defined in Section 1.09.060 of this chapter.

.0301 In the event any recall effort fails, any funds remaining in the elective city officer's recall account after all expenses associated with the proposed recall are discharged shall be disposed of by either of the following two methods:

.01 Repayment of the contributions on a "last in - first out" basis, or

.02 Donation to any bona fide charitable, educational, civic, religious, or similar tax-exempt nonprofit organization, where no substantial part of the proceeds will have material financial effect on the elective city officer, or any member of his or her immediate family, or his or her campaign treasure or campaign consultant.

.0302 In the event any recall effort fails, the recall account and committee shall be terminated within ninety (90) days of paying all expenses associated with the recall.

.040 Candidate's Personal Funds. The provisions of this section shall not apply to a city candidate's contribution of his or her personal funds to his or her own controlled committee. Contributions from community property owned jointly by a city candidate and his or her spouse shall be deemed contributions by the city candidate. Contributions by the spouse of a city candidate from such spouse's separate property shall be subject to the contribution limitations set forth in subsection .050 of this section.

.050 Contribution Limit. The term 'Contribution Limit' as used in this chapter shall means as follows:

.0501 The Contribution Limit in effect for the period commencing on the effective date of this subsection through December 31, 2006, shall be one thousand five hundred dollars (\$1,500).

.0502 The City Council shall, by ordinance, adjust the contribution limitations in January of odd-numbered years to reflect any cumulative increase or decrease in the Consumer Price Index for all urban consumers for the Los Angeles-Riverside-Orange Counties Urban Area as announced by the United States Department of Labor since the last adjustment. Such adjustments shall be rounded off to the nearest hundred dollars for the limitations on contributions.

The City Clerk shall notify all candidates for city office of the amount of the Contribution Limit then in effect. (Ord. 5704 § 2 (part); October 19, 1999; Ord. 5835 § 1; October 29, 2002; Ord. 5858 § 1 (part); May 20, 2003; Ord. 5965 § 1; April 26, 2005; Ord. 6049 § 1: March 6, 2007: Ord. 6197 § 2; November 16, 2010.)

#### **1.09.052 SLATE MAILERS.**

.010 The provisions of Government Code Section 82048.4 are not incorporated in, and shall not be used in the interpretation of, the City of Anaheim Campaign Reform Law.

.020 If a slate mailer is produced and/or distributed other than at the behest of a city candidate, then it is an independent expenditure, and is not subject to the contribution limitations of this chapter.

.030 The provisions of this section shall apply only to slate mailers in which more than ten percent (10%) of the surface area of the slate mailer expressly advocates or opposes the election of an individual city candidate.

.040 If a third party has provided funds to the slate mailer organization that are used for the production and/or distribution of a slate mailer at the behest of a city candidate, then:

.0401 The attributable cost of production and/or distribution of the slate mailer is a contribution from such third party to the city candidate to the extent the attributable cost of production and/or distribution exceeds the amount, if any, paid by the city candidate or the controlled committee of such candidate, up to the total of the funds provided by the third party, and such contribution is subject to the contribution limitations of this chapter; and

.0402 The attributable cost of production and/or distribution of the slate mailer that exceeds the total of the funds provided by the third party and any funds paid by the city candidate or the controlled committee of such candidate is a contribution from the slate mailer organization to the city candidate, and such contribution is subject to the contribution limitations of this chapter.

.050 If a slate mailer is produced or distributed at the behest of a city candidate, without any contribution from a third party, then the attributable cost of production and/or distribution is a contribution from the slate mailer organization to the city candidate to the extent the attributable cost of production and/or distribution exceeds the amount, if any, paid by the city candidate or the controlled committee of such candidate to the slate mailer organization, and such contribution is subject to the contribution limitations of this chapter.

.060 If a slate mailer expressly opposes the election of a city candidate, and the slate mailer is produced and/or distributed at the behest of an opposing city candidate ("the opponent"), then:

.0601 If a third party has paid the slate mailer organization to oppose the city candidate:

.01 The attributable cost of production and/or distribution of the slate mailer is a contribution from the third party to the opponent to the extent it exceeds any payment to the slate mailer organization from the opponent or the controlled committee of such opponent up to the total amount paid to the slate mailer organization by the third party to oppose the city candidate, and such contribution is subject to the contribution limitations of this chapter; and

.02 The attributable cost of production and/or distribution of the slate mailer that exceeds the total of the payment made to the slate mailer organization by the third party to oppose the city candidate and any payment made to the slate mailer organization by the opponent or the controlled committee of such opponent is a contribution from the slate mailer organization to the opponent, and such contribution is subject to the contribution limitations of this chapter.

.0602 If no third party has paid the slate mailer organization to oppose the city candidate, then the attributable cost of production and/or distribution is a contribution from the slate mailer organization to the opponent to the extent the attributable cost of production and/or distribution exceeds the amount, if any, paid by the opponent or the controlled committee of such opponent to the slate mailer organization, and such contribution is subject to the contribution limitations of this chapter.

.070 "Attributable cost of production and/or distribution" is computed by multiplying the total cost of production and/or distribution of the slate mailer by a fraction, the numerator of which is the number of square inches of the mailer that expressly advocates or opposes the election of a city candidate, and the denominator of which is the number of square inches of the mailer devoted to all candidates.

.080 A slate mailer is produced and/or distributed at the behest of a city candidate:

.0801 If the city candidate, or his/her controlled committee, or the candidate's or committee's agent or consultant, pays any of the costs for the slate mailer, or provides any information or photographs used in the mailer, or consults or confers with the slate mailer organization in any manner regarding the content, timing, or distribution of the slate mailer; or

.0802 Under any of the circumstances described in Section 18225.7(a) and Section 18225.7 (b) of Title 2 of the California Code of Regulations, as those sections exist as of June 1, 2002.

.0803 A non-refundable deposit made to a slate mailer organization shall not be considered a payment within the meaning of paragraphs .0801 or .0802 above, if either (a) the deposit is made by, or on behalf of, a city candidate who is not opposed in the city election, or (b) the deposit is made as consideration for a written agreement whereby the slate mailer organization obligates itself to not produce a slate mailer in which more than ten percent (10%) of the surface area of the slate mailer expressly advocates or opposes the election of the city candidate by, or for whom, the deposit is made. (Ord. 5819 § 1; August 27, 2002; Ord. 5858 § 1 (part); May 20, 2003: Ord. 6197 § 3; November 16, 2010.)

#### **1.09.055 CONTRIBUTIONS FOR OFFICEHOLDER EXPENSES\*.**

.010 Notwithstanding any other provision of this chapter to the contrary, the controlled committee of an elective city officer for the immediate past election at which said city officer was elected or reelected to office may solicit and accept campaign contributions after the end of the election cycle for said election, and said contributions, regardless of when received, shall be regarded as campaign contributions made in said immediate past election cycle for purposes of the contribution limitation set forth in subsection 1.09.050.010, provided such contributions are used by the elective city officer or said controlled committee solely for the purpose of defraying the expenses of holding such city office, and further provided:

.0101 The controlled committee has retired all debt from the immediate past election at which said city officer was elected prior to expending any contributions pursuant to this section for the purpose of defraying the expenses of holding such city office; and

.0102 Any such contribution is deposited into the campaign contribution account of the controlled committee for said immediate past city election at which said elective city officer was elected or reelected in accordance with the requirements of state law; and

.0103 Any such contribution is reported as a campaign contribution on Schedule A of Fair Political Practices Commission Form 460, or any successor reporting form thereto, as required under state law and, in addition thereto, clearly designates on said reporting form that such contribution was made for the purpose of defraying the expenses of holding such city office; and

.0104 Any such contribution is used solely for the expenses of holding such city office and the use thereof is reported as an expenditure on Schedule A of Fair Political Practices Commission Form 460, or any successor reporting form thereto, as required under state law, and in addition thereto, clearly designates on said reporting form that such expenditure was made for the purpose of defraying the expenses of holding such city office; and

.0105 The treasurer of said controlled committee is provided with, and retains for a minimum period of three years, a dated receipt and a written description of the expenditure; and

.0106 Any such contributions, together with all other contributions made to the elective city officer, or his or her controlled committee, by the same contributor, during or attributed to said election cycle do not exceed the amount set forth in subsection 1.09.050.010 of this chapter; and

.0107 No contributions received for the purpose of defraying the expenses of holding city office shall be transferred to any other city candidate, elective city officer, or any other committee; and

.0108 Any contributions accepted for the purpose of defraying the expenses of holding city office and remaining in the bank account of the elective city officer or his or her controlled committee, upon the date such elective city officer's current term of office ends, shall be either returned to the contributors, deposited in the City's general fund, or donated to any bona fide charitable, educational, civic, religious, or similar tax-exempt nonprofit organization, where no substantial part of the proceeds will have a material financial effect on the former city officer, any member of his or her immediate family, or his or her campaign treasurers; and

.0109 No controlled committee which accepts any contribution pursuant to this section for the purpose of defraying the expenses of holding any city office shall solicit or accept any campaign contribution(s) for any future city election, or redesignate such controlled committee as the controlled committee for any future election. Nothing contained in this section shall prohibit an elective city officer from creating a new controlled committee for the purpose of soliciting and accepting campaign contributions for a future election; and

.0110 No contributions shall be accepted and no expenditures shall be made or expenses incurred pursuant to this section for the purpose of defraying the expenses of holding city office by the controlled committee of any elective city officer who is eligible for election or reelection to any city office, within six months prior to the date such elective city officer's current term of office expires, or after the filing for election or reelection to any city office, whichever occurs first. Nothing contained in this paragraph shall prohibit an elective city officer's controlled committee from soliciting or accepting any contribution, making any expenditure, or incurring any expense, for the purpose of defraying the expenses of holding city office, following the date of any city election at which said elective city officer is a candidate, or

following expiration of the applicable filing period for any such city office in the event said officer fails to file for election or reelection.

.020 The term "expenses of holding city office," as used in this section, shall mean any expenditure from campaign contributions by an elective city officer, or his or her controlled committee, lawfully permitted to be made from campaign contributions under the Political Reform Act and its implementing regulations, except any expenditure for "election-related activities," as such term is defined in Section 82015(b)(2)(C) of the Government Code or any successor provision thereto. (Ord. 5858 § 1 (part); May 20, 2003.)

\* Editor's Note: Prior ordinance history: Ord. 5704 § 2 (part); October 19, 1999.

#### **1.09.058 OUTSTANDING DEBT RETIREMENT AND REPORTING.**

.010 Any indebted former candidate, or any controlled committee of any such officer or candidate, accepting any contribution(s) for the purpose of retiring outstanding debt from a prior city election and required by state law to report such contributions on Schedule A of Fair Political Practices Commission Form 460, or any successor provision thereto, shall, at the time required for the reporting of such contributions on Schedule A and in addition to any other reporting requirements under state law, clearly designate on said Schedule A which contributions were received for the purpose of retiring outstanding debt and for which prior city election such contributions were received.

.020 Any contribution accepted for the purpose of retiring outstanding debt from a prior city election shall be applied to reduce or retire said outstanding debt in the same reporting period in which such contribution was accepted. The application of any contribution to retire outstanding debt from a prior city election (i.e., repayment of outstanding loans and payment of accrued expenses) shall be itemized and identified on the appropriate schedules and on the Summary Page of Form 460, or any successor form thereto, provided by the Fair Political Practices Commission.

.030 Except as provided in subsection .040 below, no indebted former candidate, or any controlled committee of any such officer or candidate, shall use any contributions received for the purpose of retiring outstanding debt from a prior city election for any purpose other than for the retirement of outstanding debt remaining from the prior city election for which such contribution was received.

.040 Following the retirement of all outstanding debt from the election for which such contributions were collected, any remaining funds which were collected for the purpose of retiring outstanding debt shall either be (i) used for purposes of defraying the expenses of holding city office in accordance with the provisions of Section 1.09.055, (ii) returned to the contributors, (iii) deposited in the City's General Fund, or (iv) donated to any bona fide charitable, educational, civic, religious, or similar tax-exempt, nonprofit organization, where no substantial part of the proceeds will have a material financial effect on the former candidate or officeholder, any member of his or her immediate family, or his or her campaign treasurer.

(Ord. 5704 § 2 (part); October 19, 1999; Ord. 5858 § 1 (part); May 20, 2003; Ord. 6197 § 4; November 16, 2010.)

#### **1.09.060 ELECTION CYCLES.**

.010 General Elections. For purposes of any general election for any city office, the term "election cycle," as used in this chapter, shall mean the period commencing on January 1 immediately following any general election for such city office and ending on December 31 of the year in which the next general election for the same city office occurs. Notwithstanding the preceding sentence, following a special election for any city office, the "election cycle" for the next general election for said city office shall

commence on the thirty-first (31st) day following said special election, and shall end on December 31 of the year in which the next general election for said city office occurs.

.020 Special Elections. For purposes of any special election for any city office, the term "election cycle," as used in this chapter, shall mean the period commencing on the date a special election is called by the City Council and ending on the thirtieth (30th) day following said special election.

.030 Recall Elections. For purposes of any recall election of any city officer, the term "election cycle," as used in this chapter, shall mean the period commencing on either the date a committee is formed pursuant to the provisions of the Political Reform Act in support of a recall election or the date the City Clerk approves a recall petition for circulation and gathering of signatures, whichever occurs earlier, and ending on the thirtieth (30th) day following the first to occur of any of the following:

.0301 The time provided by law for the gathering of signatures on recall petitions expires without sufficient recall petition signatures having been filed with the City Clerk to require a recall election;

.0302 All committees formed in support of the recall have been terminated pursuant to the provisions of the Political Reform Act;

.0303 The date the recall election is held. (Ord. 5704 § 2 (part); October 19, 1999; Ord. 5858 § 1 (part); May 20, 2003.)

#### **1.09.070 AGGREGATION OF CONTRIBUTIONS.**

For purposes of the contribution limitations contained in this chapter, the following provisions shall apply:

.010 All contributions made by a sponsored committee to a city candidate or to an elective city officer (or to a committee controlled by such candidate or officer) shall be combined with those contributions made during the same election cycle by the sponsor(s) of the committee.

.020 Two or more entities shall be treated as one person when any of the following circumstances apply:

.0201 The entities share the majority of members of their boards of directors;

.0202 The entities are owned or controlled by the same majority shareholder or shareholders;

.0203 The entities are in a parent-subsidary relationship.

.030 An individual and any partnership in which the individual is a general partner, or an individual and any corporation in which the individual owns a controlling interest (fifty percent or more), or an individual and any business entity in which the individual controls the decisions of such entity regarding the making of contributions to candidates for political office, regardless of the percentage of ownership, if any, of the individual in such business, shall be treated as one (1) person.

.040 Any contributions made by a committee in support of or in opposition to a city candidate shall be aggregated with the contributions made by any other committee in support of or in opposition to the same city candidate, if a majority of the officers of such committees are the same individuals. No committee shall act in concert with, or solicit or make contributions on behalf of, any other committee. This subsection shall not apply to treasurers of committees, if such treasurers do not participate in or control in any way a decision on whether the candidate or candidates receive contributions.

.050 Contributions by a married person shall be treated as the separate contributions of such person and shall not be aggregated with any contributions of the spouse of such person.

.060 Contributions by children under eighteen years of age shall be treated as contributions by their parent(s) or legal guardian(s) (one-half to each parent or guardian) unless only one parent or guardian has legal custody of such child, in which event any such contributions shall be attributed solely to the custodial parent. (Ord. 5704 § 2 (part); October 19, 1999; Ord. 5858 § 1 (part); May 20, 2003: Ord. 6197 § 5; November 16, 2010.)

#### **1.09.080 LIMITATIONS ON CAMPAIGN COMMITTEES, BANK ACCOUNTS.**

.010 A city candidate shall have no more than one controlled committee for each city office, and such controlled committee shall have only one bank account out of which all qualified campaign and officeholder expenses related to that city office shall be made; except that an elective city officer may deposit contributions into, and pay officeholder expenses from, the bank account of a controlled committee established for the immediate past city election at which such officeholder was elected to the extent provided in Section 1.09.055.

.020 This section does not prevent a city candidate or an elective city officer from establishing another controlled committee solely for the purpose of running for a state, federal, county, or other elective city office, or for opposing his or her recall. For purposes of this section, candidacy for the same office at different city elections shall be deemed different city offices.

.030 Notwithstanding the foregoing, this section shall not prohibit the establishment of savings accounts or certificates of deposit or other financial instruments, provided that no campaign or officeholder expenditure may be made from them. (Ord. 5704 § 2 (part); October 19, 1999; Ord. 5858 § 1 (part); May 20, 2003: Ord. 6197 § 6; November 16, 2010.)

#### **1.09.090 TRANSFERS OF FUNDS.**

.010 Inter-Candidate Transfers (Transfers Between Different Candidates).

.0101 No city candidate or elective city officer, and no committee controlled by a city candidate or elective city officer, shall make any contribution to any other city candidate or elective city officer or to any committee controlled by, supporting or opposing any other city candidate or elective city officer.

.0102 No contribution shall be accepted by any city candidate or elective city officer, or the controlled committee of such candidate or officer, from any other committee controlled by another federal, state, local or city candidate or officeholder.

.0103 This section shall not prohibit a city candidate or elective city officer from making a contribution from his or her own personal funds to his or her own candidacy or to the candidacy of any other candidate for elective city office, subject to the limitations set forth in Section 1.09.050.

.020 Intra-Candidate Transfers (Transfers Between Committees of the Same Candidate).

.0201 A city candidate or elective city officer may make a one-time-only transfer of funds from his or her controlled committee for an elective federal, state, local or city office (the "transferor committee") to his or her controlled committee for a different city office (the "transferee committee"), subject to the contribution limits set forth in this chapter. Contributions originally made to the transferor committee shall be transferred to the transferee committee on a "last in-first out" basis. Each transferred contribution, when combined with all other contributions received by the candidate or officeholder, and his or her controlled committee, from that contributor during the election cycle in which the funds are transferred,



shall be subject to the contribution limitations of this chapter. Transferred contributions shall be deemed contributions made to the transferee committee in the election cycle in which such contributions are received by the transferee committee. Contributions received by the transferor committee on or after the date the candidate formed a committee to run for City office, may not be transferred to the transferee committee established to run for that City office.

.0202 The term "election cycle," as used in this section, shall mean the applicable period described in Section 1.09.060.

.0203 Any transfer of funds must be accompanied by a report disclosing the name, address, occupation and employer, and amount of contribution being transferred, for each person whose contributions or a portion thereof are being transferred (the "transfer report"). Said transfer report shall be prepared by the treasurer of the transferor committee, and a copy thereof shall be submitted to the treasurer of the transferee committee at the time such contributions are transferred. A copy of the transfer report shall be filed with the campaign statement required to be filed by such transferee committee under the provisions of the Political Reform Act, which campaign statement covers the period during which the transferred funds were received by the transferee committee. In lieu of a Transfer Report, Schedule A of Form 460 or any successor form thereto, may be filed. (Ord. 5704 § 2 (part); October 19, 1999; Ord. 5858 § 1 (part); May 20, 2003: Ord. 6197 § 7; November 16, 2010.)

#### **1.09.100 LOANS AND EXTENSIONS OF CREDIT.**

.010 A loan shall be considered a contribution from the maker and the guarantor of the loan, and shall be subject to the contribution limitations of this chapter.

.020 The proceeds of a loan made to a city candidate by a commercial lending institution in the regular course of business on the same terms available to members of the public shall not be subject to the contribution limitations of this chapter if the loan is made directly to the candidate. The guarantors of such a loan shall remain subject to the contribution limits of this chapter.

.030 Every loan to a City Candidate or Elective City Officer or their controlled committee shall be by written agreement which shall be filed with the campaign statement on which the loan is first reported. In the case of a loan from the City cCandidate or Elective City Officer to his or her controlled committee for which the candidate is personally liable, the written agreement shall identify the initial source of the loan (i.e., credit cards, a third party, a commercial lending institution).

.040 Extensions of credit (other than loans pursuant to subsection 1.09.100.020) shall be subject to the contribution limitations of this chapter unless the extension of credit meets the conditions set forth in either subdivisions (b)(1) or (b)(2) of Section 18530.7 of Title 2 of the California Code of Regulations, as that section may, from time to time, be amended.

.0450 This section shall apply only to loans and extensions of credit used, or intended for use, for campaign purposes, or which are otherwise connected with the holding of public office. (Ord. 5704 § 2 (part); October 19, 1999; Ord. 5858 § 1 (part); May 20, 2003: Ord. 6197 § 8; November 16, 2010.)

#### **1.09.110 FUNDS, PROPERTY, GOODS OR SERVICES RECEIVED BY OFFICIALS TREATED AS CONTRIBUTIONS.**

Any funds, property, goods or services, other than government funds, received by elective city officers which are used, or intended by the donor or by the recipient to be used, for expenses (including legal expenses) related to holding public office, shall be considered campaign contributions and shall be subject to the limitations of this chapter. Reimbursement for travel expenses related to holding public office shall be excluded from the provisions of this section. (Ord. 5704 § 2 (part); October 19, 1999; Ord. 5858 § 1 (part); May 20, 2003.)

#### **1.09.115 DISCLOSURE OF OCCUPATION AND EMPLOYER.**

.010 No contribution(s) from any person cumulating to one hundred dollars (\$100) or more during any election cycle shall be deposited into a campaign bank account of any city candidate or elective city officer, or his or her controlled committee, unless the disclosure information required by the Political Reform Act, including the name, address, and, if an individual, the occupation and employer of the contributor or, if self-employed, the name of the business under which the individual is self-employed, is on file in the records of the recipient of the contribution. Said disclosure information shall be included in the campaign disclosure statement in which the contribution is reported.

.020 In the event the required disclosure information is not obtained by the end of the current campaign disclosure statement filing period, the contribution shall be returned to the contributor. If the whereabouts of the contributor cannot be ascertained, the contribution shall be deposited in the City General Fund or transferred to a charity that is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code. (Ord. 5858 § 1 (part); May 20, 2003; Ord. 6197 § 9; November 16, 2010.)

#### **1.09.120 REPORTING OF CUMULATIVE CONTRIBUTIONS.**

The cumulative amount of contributions which exceed one hundred dollars (\$100) during an election cycle shall be reported for each contributor who made contributions during the current reporting period. Such cumulative amounts shall be reported on Schedule A of Form 460, or any successor form thereto, as prepared by the Fair Political Practices Commission, if the candidate or controlled committee is required to use such form, or shall be reported on a separate schedule appended to the required campaign statement. The term "election cycle," as used in this section, shall mean the applicable period described in Section 1.09.060 of this chapter. (Ord. 5704 § 2 (part); October 19, 1999; Ord. 5858 § 1 (part); May 20, 2003.)

#### **1.09.121 FILING OF AMENDMENTS TO CAMPAIGN STATEMENTS.**

Upon written notification by the City Clerk that an amendment of a previously filed campaign statement is required, said amendment shall be filed with the City Clerk no later than thirty (30) calendar days following the date of the notification.

.010 Except as set forth in Subsection .020 below, upon written notification by the City Clerk that an amendment of a previously filed campaign statement is required, said amendment shall be filed with the City Clerk no later than thirty (30) calendar days following the date of the notification.

.020 With respect to campaign statements which are required to be filed at least thirty (30) days prior to an election, any amendments to such statements shall be filed with the City Clerk no later than five (5) calendar days following the date of notification by the City Clerk.

(Ord. 5858 § 1 (part); May 20, 2003; Ord. 6197 § 10; November 16, 2010.)

#### **1.09.122 TIMELY RETURN OF EXCESS CONTRIBUTIONS.**

.010 That portion of contributions accepted in excess of the limitations imposed by this chapter shall be returned to the donor within fourteen (14) days of their discovery. A written notification showing the donor's name, the amount returned, and the date of the return shall be provided to the City Clerk within seventy-two (72) hours after such return.

.020 Monetary and/or non-monetary contributions made by a city candidate or elective city officer to his or her controlled committee may not be returned to that city candidate or elective city officer, with the exception of officeholder expenses that may be reimbursed to the elective city officer pursuant to Section 89511.5 of the Political Reform Act of 1974. (Ord. 5858 § 1 (part); May 20, 2003; Ord. 6197 § 11; November 16, 2010.)

**1.09.123 (Repealed by 6107, 11/16/10)**

**1.09.124 DISTRIBUTION OF CAMPAIGN REFORM LAW TO CITY CANDIDATES.**

The City Clerk shall mail each city candidate with a copy of the Anaheim Campaign Reform Law, as Amended, at such time as the City Clerk receives the Candidate Intention Statement declaring the city candidate's intention to seek a city office. (Ord. 6197 § 13; November 16, 2010.)

**1.09.130 ENFORCEMENT OF CHAPTER.**

.010 No Criminal Penalties. Notwithstanding any other provision of the Anaheim Municipal Code, including without limitation the provisions of Section 1.01.370 of said Code, any violation of any provision of this chapter shall be enforceable solely as provided in this section.

.020 Civil Liability. Any person who violates or otherwise fails to comply with any provision or requirement of this chapter shall be liable to the City of Anaheim in a sum not to exceed the following amount for each such violation:

.0201 For the making or accepting of any contribution in excess of the applicable contribution limits specified in this chapter and which have not been returned pursuant to Section 1.09.122, a sum equal to three (3) times the amount by which the contribution exceeds the applicable contribution limit, or the sum of twenty-five hundred dollars (\$2,500), whichever is greater, for each violation.

.0202 For any other violation of this chapter, the sum of five hundred dollars (\$500) for each violation; provided, however, that the maximum fine for each violation of any provision of Section 1.09.121 of this chapter shall be the sum of one hundred dollars (\$100) per day up to a total of five hundred dollars (\$500).

.030 Debt Owing to City. Any amount due from any person pursuant to subsection .020 above shall be a debt due and owing upon demand to the General Fund of the City of Anaheim.

.040 Civil Action to Collect Debt and Obtain Other Relief. The City Attorney of the City of Anaheim may file and prosecute a civil action, in municipal or superior court, to recover any amount(s) due and owing to the City of Anaheim by any person pursuant to this section, or to enjoin any violation or otherwise compel compliance with the requirements of this chapter. In the event of any civil action within the jurisdiction amount of the small claims court, the City Council may designate the person to bring such action.

.050 Limitation of Actions. No civil action shall be brought under the provisions of this section unless said action is filed within two (2) years following the date of such violation.

.060 Reliance Upon Advice. The City Attorney shall have the authority to make interpretations of the provisions of this chapter. Good faith reliance upon the written advice provided to any person by the City Attorney concerning any provision of this chapter shall be a complete defense to any civil action which otherwise could be maintained under this chapter.

.070 Remedial Measures. If the City Attorney determines or believes that any person (the "target party") has violated any provision of this chapter, the City Attorney may, at his or her sole discretion, advise the target party of remedial measures which may be taken by the target party to avoid possible civil action (the "remedial measures"). Such remedial measures may, but need not necessarily, include the payment of a civil fine to the City. Nothing contained herein shall be deemed to require the City Attorney to offer remedial measures to any target party. In the event the target party is offered and timely performs such remedial measures to the satisfaction of the City Attorney, the City Attorney shall advise the target party (and any person who, in writing, informed or complained to the City Attorney concerning any such violation), in writing, that the alleged violation has been resolved and the manner in which it was resolved (the "letter of resolution") and, in such event, no civil action shall thereafter be filed or maintained relating to such alleged violation of this chapter.

.080 City Attorney Designee. The term "City Attorney," as used in this chapter, shall include any person designated by the City Attorney or the City Council to act on his or her behalf due to a conflict of interest or for any other reason. (Ord. 5704 § 2 (part); October 19, 1999; Ord. 5858 § 1 (part); May 20, 2003; Ord. 6197 § 14; November 16, 2010.)

#### **1.09.135 LAUNDERED CONTRIBUTIONS.**

.010 No contribution to a city candidate or controlled committee of such city candidate shall be made, directly or indirectly, by any person in a name other than the name by which such person is identified for legal purposes.

.020 Any candidate or committee that receives a contribution in violation of subsection .010 above shall pay to the General Fund of the City of Anaheim the amount of the contribution. Payment to the City's General Fund shall be made within sixty (60) days of notification by the City Clerk to the candidate or committee of the violation of subsection.010. (Ord. 6197 § 15; November 16, 2010.)

#### **1.09.140 APPLICABILITY OF OTHER LAWS.**

Nothing in this chapter shall exempt any person from applicable provisions of any other laws of this state or jurisdiction, or be interpreted in a manner which would restrict or conflict with the power of the City Council to control all legal business and proceedings of the City pursuant to Section 703 of the Anaheim City Charter. (Ord. 5704 § 2 (part); October 19, 1999; Ord. 5858 § 1 (part); May 20, 2003.)

#### **1.09.150 SEVERABILITY.**

If any provision of this chapter, or the application of any such provision to any person or circumstances, shall be held invalid, the remainder of this chapter to the extent it can be given effect, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby, and to this extent the provisions of this chapter are severable. (Ord. 5704 § 2 (part); October 19, 1999; Ord. 5858 § 1 (part); May 20, 2003.)

#### **1.09.160 INTERPRETATION OF CHAPTER.**

This chapter should be liberally construed to accomplish its purpose. (Ord. 5704 § 2 (part); October 19, 1999; Ord. 5858 § 1 (part); May 20, 2003.)